

Appl. No. : 10/771,703
Filed : February 4, 2004

REMARKS

The foregoing amendments and the following remarks are responsive to the January 23, 2006 Final Office Action. Claims 1, 2, 4, 8, and 11 are cancelled without prejudice, Claims 3, 9, 10, and 12-14 are amended, Claims 5 and 6 remain as previously presented, and Claim 7 remains as originally filed. Thus, Claims 3, 5-7, 9, 10, and 12-14 are presented for further consideration.

Comments on Telephonic Interview on March 13, 2006

Applicant thanks the Examiner for extending the courtesy of a telephonic interview with Applicant's representative, Bruce S. Itchkawitz, on March 13, 2006. During the telephonic interview, the amendments to the specification included herein were discussed and the Examiner agreed that these amendments would be satisfactory for the withdrawal of the objection to the specification described in the January 23, 2006 Final Office Action.

Request for Entry

Applicant submits that the amendments to the claims merely rewrite dependent claims in independent form. As the rewritten independent claims previously existed as dependent claims of identical scope prior to the amendment, no new issues are introduced. Additionally, the cancellation of Claims 1, 8, and 11 reduces the issues and focuses prosecution. The amendments were not previously presented because the same scope was already pending in the form of dependent claims and Applicant anticipated the allowability of the independent claims. Applicant respectfully requests the Examiner to enter the amendments and to reconsider the pending claims in view of the following remarks.

Response to Objection to the Specification

In the January 23, 2006 Final Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. As described herein, Applicant has amended the specification. Applicant submits that these amendments do not add new matter to the specification and that the amended specification provides proper antecedent basis for the claimed subject matter. Applicant respectfully requests that the Examiner withdraw the objection to the specification.

Comments on Allowable Subject Matter

In the January 23, 2006 Final Office Action, the Examiner objects to Claims 3, 5-7, 9, 10, and 12-14, presumably for depending upon a rejected base claim. The Examiner explicitly states that Claim 7 contains allowable subject matter. As described herein, Applicant has amended

Appl. No. : 10/771,703
Filed : February 4, 2004

Claims 3, 9, 10, and 12-14 to be in independent form including all the limitations of the base claim and any intervening claims. Each of Claims 5-7 depends from amended Claim 3, so each of Claims 5-7 includes all the limitations of amended Claim 3 as well as other limitations of particular utility. Applicant submits that Claims 3, 5-7, 9, 10, and 12-14 are in condition for allowance and respectfully requests such action.

Response to Rejection of Claims 1 and 11 Under 35 U.S.C. § 102(b)

In the January 23, 2006 Final Office Action, the Examiner rejects Claims 1 and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,783,077 issued to Lemon. As described herein, Applicant has cancelled Claims 1 and 11 without prejudice, reserving the right to pursue allowance of these claims in a continuation application. Applicant respectfully requests the Examiner to consider the allowability of the remaining pending claims.

Response to Rejection of Claim 8 Under 35 U.S.C. § 103(a)

In the January 23, 2006 Final Office Action, the Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Lemon. As described herein, Applicant has cancelled Claim 8 without prejudice, reserving the right to pursue allowance of this claim in a continuation application. Applicant respectfully requests the Examiner to consider the allowability of the remaining pending claims.

Summary

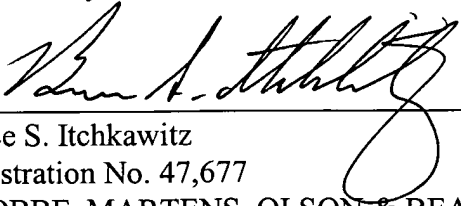
For the foregoing reasons, Applicant submits that Claims 3, 5-7, 9, 10, and 12-14 are in condition for allowance, and Applicant respectfully requests such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 3/14/06

By: _____


Bruce S. Itchkawitz
Registration No. 47,677
KNOBBE, MARTENS, OLSON & BEAR, LLP
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404